

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE NO. 12-27
RE: ANA M. PANDO

NOTICE OF FORMAL CHARGES

TO: The Honorable Ana M. Pando
Hialeah Branch Courthouse
11 East 6th Street
Hialeah, Florida 33010

YOU ARE HEREBY NOTIFIED that the Investigative Panel of the Florida Judicial Qualifications Commission, by the requisite vote, has determined, pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission, as revised, and Article V, Section 12(b) of the Constitution of the State of Florida, that probable cause exists for formal proceedings to be, and the same are, hereby instituted against you to inquire into charges based on allegations that you violated, Canons 1, 2A, 3B(1), 3B(5), 3E(1) and 5G of the Code of Judicial Conduct, to wit:

1. On October 14, 2011, while a sitting County Judge, on judicial letterhead you wrote to the Florida Division of Corporations stating that a Florida corporation, Florida Wellness & Rehabilitation Center, Inc., had been inadvertently closed.

2. Your letter asserts that the corporation's president, Mr. Cereceda, "was not involved in the decision in any fashion as it was exclusively a clerical error on the part of the accountant." You attached an affidavit from an accountant, and you stated that you saw "no reason not to reinstate the above-mentioned corporation." That letter with the attachment is attached to this Notice of Formal Charges as Exhibit "1."

3. At the time you wrote the letter, the corporation had been dissolved for 163 days. There was no case before you that would have necessitated you to contact the Division of Corporations as part of your judicial duties. Your actions, on behalf on Mr. Cereceda, constitute the practice of law, which is forbidden by the Code of Judicial Conduct. The use of judicial stationery additionally burdens your actions by lending the prestige of judicial office to a private interest.

4. You are a candidate for re-election for Dade County Judge, Group 10. On November 11, 2011, you received four (4) \$500.00 campaign contributions from corporate entities owned or controlled by Mark Cereceda identified on your "Campaign Treasurer's Report - Itemized Contributions" for the period ending December 31, 2011, as Fla Wellness Little Havana, Fla Wellness FIU, Fla Wellness So Miami, and Fla. Wellness Hialeah.

5. Mr. Cereceda is a friend of yours. He approached you and asked for a court order to reinstate his corporation. While you correctly surmised that you could not issue a court order, you instead wrote a letter that was treated as an order by the Division of Corporations.

6. You had previously instructed Mr. Cereceda not to file cases regarding his various corporate entities that would come before you because you felt that your social relationship with him was too close. However at the time you wrote the letter, you had cases before you that involved corporate entities owned or controlled by Mr. Cereceda.

7. The Florida Supreme Court previously reprimanded you. *In re Pando*, 903 So. 2d 902 (Fla. 2005). In that case, you stipulated that you knowingly or recklessly accepted improper campaign contributions. The fact and the timing of the campaign contributions by Mr. Cereceda through his corporate entities, coupled with your actions on behalf of Mr. Cereceda, give the appearance of impropriety.

The foregoing acts violate Canons 1, 2A, 3B(1), 3B(5), 3E(1) and 5G of the Code of Judicial Conduct.

These acts, if they occurred as alleged, would impair the confidence of the citizens of this State in the integrity of the judicial system and in you as a judge; would constitute a violation of the Preamble and Canons of the Code of Judicial Conduct; would constitute conduct unbecoming a member of the judiciary; would demonstrate your unfitness to hold the office of judge; and would warrant discipline, including, but not limited to, your removal from office and/or any other appropriate discipline recommended by the Florida Judicial Qualifications Commission.

You are hereby notified of your right to file a written answer to the above charges made against you within twenty (20) days of service of this notice upon you.

DATED this ____ day of March, 2012.

Respectfully submitted,

FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION

MICHAEL L. SCHNEIDER, ESQ.
General Counsel
Florida Bar No. 525049
1110 Thomasville Road
Tallahassee, Florida 32303
(850) 488-1581

LANSING C. SCRIVEN, ESQ.
QUARLES & BRADY LLP
Special Counsel
Florida Bar No. 729353
101 E. Kennedy Blvd., Suite 3400
Tampa, Florida 33602
(813) 387-0300

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **NOTICE OF FORMAL CHARGES** has been furnished by E-Mail and U.S. Mail to ROBERT C. JOSEFSBERG, ESQ., Podhurst Orseck, P.A., 25 West Flagler Street, Suite 800, Miami, Florida 33130, attorney for The Honorable Ana M. Pando, this _____ day of March, 2012.

Attorney